

D/L- 10
05/02/2026
Ct. No.-19
Aritra

WPA 1075 of 2026
Gautam Saha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Danish Abbasi
Mr. Nasirul Haque

....for the petitioners

Mr. Pritam Chowdhury
Mr. Hemanta Kumar Das

....for the State

The petitioners claim that the plot being Dag No.794 within Mouza-Meera, J.L. No.8 under Police Station-Kaliganj in the District of Nadia was recorded in the name of the predecessor-in-interest of the present petitioners.

The petitioners state that the said plot was acquired for the purpose of widening and construction of National Highway No.34 which has been re-numbered as National Highway No.12. The petitioners further admit that the compensation in respect of the lands in question has been received by the persons interested. The petitioners allege that several other land owners of the same mouza, whose lands were also acquired under the said National Highway project and are similarly situated to that of the petitioners, have been granted restoration of their land upon deposit or adjustment of the compensation. The petitioners claim to have submitted a representation dated December 26, 2025 before the various authorities including the Project

Director, National Highways Authority of India, NH-12, Project Implementation Unit (PIU), Krishnanagar.

Mr. Ahammed, learned advocate appearing for the petitioners places reliance upon a notification dated December 9, 2015, which records the decision taken by the Government of India, Ministry of Road Transport & Highways that where any land acquired under the National Highways Act, 1956 for the projects of development of National Highways, remain unutilized for a period beyond the period specified for setting up of the concerned project or for a period of five years from the date of taking over its possession, whichever is more, the said unutilized land, after obtaining approval of the Central Government, may be handed over to the Government of the State or the Administration of the Union Territory, as the case may be in which it falls, for utilisation as considered appropriate.

Mr. Ahammed, learned advocate appearing for the petitioners submits that only a portion of the aforesaid property of the petitioners has been utilised and the balance portion has remain unutilized. He further submits that in view of the notification dated December 9, 2015, the petitioners are entitled to return of the unutilized portion of the plot in question. Mr. Ahammed further submits that in spite of receipt of the representation, the respondent authorities have not communicated their decision to the petitioners till date.

Mr. Chowdhury, learned advocate represents the State. He submits that there is no provision under the National Highways Act for return of the unutilized land. He further submits that several allegations have been made in this writ petition against certain organizations without making such organizations as party respondents in this writ petition.

Since a representation has been made to an authority, such authority is duty bound to communicate its decision on such representation.

Without entering into the merits of the claim made in the representation dated December 26, 2025, WPA 1075 of 2026 stands disposed of by directing the Project Director, National Highways Authority of India, NH-12, Project Implementation Unit (PIU), Krishnanagar, District-Nadia, being the respondent No.6, to consider the representation of the petitioners dated December 26, 2025 and dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioners and any other party, who may be affected by such decision, or their authorised representative and communicate the reasoned order to the petitioners immediately thereafter. The entire exercise shall be completed as expeditiously as possible but positively within a period of 8 weeks from the date of receipt of this order along with a copy of the representation dated December 26, 2025. In case the Project Director is of the view that the issue raised in the

representation does not fall within his jurisdiction then such authority shall forward the representation to the competent authority along with a copy of this order forthwith and the latter authority shall complete the entire exercise as directed hereinabove within the time limit stipulated in this order.

Since the matter has been relegated to the authorities for considering the prayer, this Court refrains from making any observations as to the applicability of the notification dated December 9, 2025 to the case on hand.

It will be open to the petitioners to place reliance upon any relevant notifications, Government orders, etc., in support of their contention. All points are left open to be decided by the concerned authority in accordance with law.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)